

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA ex rel.)
TODD HEATH,)
)
 Plaintiff/Relator,)
)
v.) Civil Case No. 2:08-CV-00876-LA
) (Lead Case No. 2:08-CV-00724-LA)
WISCONSIN BELL, INC.,)
)
 Defendant.)
)
)

**DECLARATION OF ANDREW P. LEGRAND IN SUPPORT OF
WISCONSIN BELL'S MOTION FOR SUMMARY JUDGMENT**

1. My name is Andrew P. LeGrand. My work address is 2001 Ross Avenue, Suite 2100, Dallas, Texas 75201. I am over the age of 18 years.
2. I have personal knowledge of the facts stated in this Declaration and, if called as a witness in this case, could and would testify competently to those facts.
3. I am an attorney for Defendant Wisconsin Bell, Inc. in the above-styled case.
4. In this litigation, Wisconsin Bell reproduced documents that I understand were originally produced in response to a subpoena from the FCC's Office of Inspector General served in July 2009. MSJ Ex. 56 (FCC12193, Diskin Ex. 215). Wisconsin Bell reproduced approximately 30,000 documents consisting of nearly 200,000 pages (ATT_HEATH_WI_00002991-184429).
5. The table below lists the exhibits that Wisconsin Bell cites in support of its Motion for Summary Judgment. I declare that the exhibits are true and correct copies of the documents described in the table below or true and correct copies of excerpts of the documents described below (in the case of deposition transcripts).

Exhibit No.	Description
1	FCC webpage, Federal-State Joint Board on Universal Service, https://www.fcc.gov/general/federal-state-joint-board-universal-service (last visited Mar. 15, 2021)
2	FCC webpage, Universal Service, Federal-State Joint Board, https://www.fcc.gov/general/universal-service-federal-state-joint-board (last visited Mar. 15, 2021)
3	FCC webpage, E-Rate – Schools & Libraries USF Program, https://www.fcc.gov/general/e-rate-schools-libraries-usf-program (last visited Mar. 5, 2021)
4	USAC webpage, Getting Started, https://www.usac.org/e-rate/get-started/ (last visited Mar. 16, 2021)
5	Amended Expert Report of Carol Mattey (Feb. 2, 2021)
6	FCC, Prescribing the Authorized Rate of Return (May 16, 2013) available at https://docs.fcc.gov/public/attachments/DA-13-1111A1.pdf
7	1993 Wisconsin Act 496
8	FCC, Response re USF Transfer to Treasury (July 23, 2018) available at https://docs.fcc.gov/public/attachments/DOC-353141A1.pdf
9	USAC webpage, Beginner Overview 2019 Applicant Training, https://www.usac.org/beginner-overview_applicant/
10	USAC webpage, E-rate home page, https://www.usac.org/e-rate/ (last visited Feb. 26, 2021)
11	Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Record 8776 (May 8, 1997)
12	USAC webpage, Step 1 Competitive Bidding, https://www.usac.org/e-rate/applicant-process/competitive-bidding
13	In re Yselta Independent School District, 18 FCC Record 26407 (Dec. 8, 2003)
14	FCC OIG Semiannual Report to Congress (May 4, 2017)
15	USAC webpage, Step 2 Selecting Service Providers, https://www.usac.org/e-rate/applicant-process/selecting-service-providers/ (last visited Feb. 26, 2021)
16	Form 470 Schools and Libraries Universal Service Description of Services Requested and Certification Form, Native of ATT_HEATH_WI_00230623
17	Form 471 Schools and Libraries Universal Service Description of Services Ordered and Certification (Dec. 2013)
18	FCC webpage, E-Rate: Universal Service Program for Schools and Libraries, https://www.fcc.gov/consumers/guides/universal-service-program-schools-and-libraries

	libraries-e-rate (last visited Mar. 16, 2021)
19	USAC webpage, Calculating Discounts, https://www.usac.org/e-rate/applicant-process/applying-for-discounts/calculating-discounts/ (last visited Mar. 16, 2021)
20	USAC webpage, Step 6: Invoicing, https://www.usac.org/e-rate/applicant-process/invoicing/ (last visited Mar. 10, 2021)
21	USAC webpage, FCC Form 498, https://www.usac.org/rural-health-care/service-providers/fcc-form-498/ (last visited Mar. 10, 2021)
22	USAC webpage, FCC Form 473 Filing, https://www.usac.org/e-rate/service-providers/step-3-winning-the-bid/fcc-form-473-filing/ (last visited Mar. 10, 2021)
23	Buckley Dep. Ex. 200, FCC Form 473
24	Buckley Dep. Ex. 196, FCC Form 472
25	Buckley Dep. Ex. 198, FCC Form 474
26	Federal State Joint Board Rec. Dec., 12 FCC Rcd. 87 (Nov. 8, 1996)
27	E-rate Modernization Order 2014, FCC-14-99A1 (July 23, 2014)
28	Plaintiff/Relator's Response to Defendant's Fourth Set of Interrogatories to Relator (Apr. 4, 2019)
29	CTIA USTA Petition (Mar. 19, 2010)
30	In re Net56, DA-12-1792, 27 FCC Rcd. 13606 (Nov. 7, 2012) available at https://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1107/DA-12-1792A1.pdf
31	In re Net56, DA-12-1951A1 (Dec. 4, 2012) available at https://www.fcc.gov/general/e-rate-schools-libraries-usf-program-2012-headlines
32	In re Net56, DA-12-2031A1 (Dec. 19, 2012) available at https://www.fcc.gov/general/e-rate-schools-libraries-usf-program-2012-headlines
33	Net56 Letter (July 31, 2012)
34	E-rate Program Training (May 10, 2012) available at https://www.usac.org/_res/documents/sl/training/2012/Program-Compliance.pdf
35	USAC018726
36	USAC webpage, Lowest Corresponding Price, https://www.usac.org/e-rate/service-providers/step-2-responding-to-bids/lowest-corresponding-price/#:~:text=Lowest%20corresponding%20price%20(LCP)%20is,or%20consortium)%20for%20similar%20services (last visited Mar. 16, 2021)
37	USAC019217

38	USAC018471
39	USAC000011
40	USAC021598 (Wisconsin Bell E-Rate Pricing Policy)
41	Expert Rebuttal Report of Carol Mattey (Jan. 20, 2021)
42	USAC019361
43	Ayers Dep. Ex. 177, Email from USAC to Orange County, Florida public school district (June 25, 2014)
44	Second Amended Rebuttal Expert Report of James W. Stegeman (Feb. 11, 2021)
45	Expert Report of James W. Stegeman (Nov. 4, 2020)
46	FCC Form 473 ATT_HEATH_WI_00046499
47	FCC, Public Notice, CC Docket No. 02-6 (Mar. 1, 2005)
48	FCC Form 473 (Apr. 2007)
49	ATT HEATH WI 00046557, FCC Form 473
50	FCC, Public Notice, CC Docket No. 02-6 (Mar. 8, 2013)
51	In The Matter of Modernizing the E-rate Program for Schools and Libraries, 28 FCC Rcd. 11304 (July 23, 2013)
52	Schools and Libraries (E-rate) Program FCC Form 473 (SPAC) User Guide (July 2019) available at https://www.usac.org/wp-content/uploads/e-rate/documents/Forms/FCC-Form-473-
53	USAC020722
54	USAC018695
55	FCC's Touhy response (Apr. 3, 2020)
56	Diskin Dep. Ex. 215, FCC12193
57	Federal-State Joint Board on Universal Service, Fourth Order on Reconsideration, 13 FCC Rcd. 5318 (Dec. 30, 1997)
58	HEATH000097038
59	ATT_HEATH_WI_04447230
60	ATT_HEATH_WI_04447504
61	ATT_HEATH_WI_04473083, GEM Pricing Policy Training
62	Native of ATT_HEATH_WI_04455748
63	ATT_HEATH_WI_04447420
64	2011 Wisconsin Act 22
65	2010 WL 2294651

66	68 Wis. PSC 55
67	Bruce Gilmore et al. v. Sw. Bell Mobile Sys., 20 FCC Rcd. 15079 (Sept. 1, 2005)
68	USAC, Eligible Services List Schools and Libraries Support Mechanism for Funding Year 2011 (TH_Oconomowoc_008596)
69	In the Matter of Application for Review by United Talmudical Academy, Brooklyn, New York, 18 FCC Rcd. 22785 (Oct. 21, 2003)
70	ATT_HEATH_WI_01455081
71	ATT_Heath_WI_00120337, E-Rate Compliance Training September 2007
72	Tostado Dep. Ex. 19, SBC E-Rate Overview and Sales Presentation (Oct. 14, 2005)
73	ATT_HEATH_WI_01340803
74	McNicoll Dep. Ex. 217, ATT_HEATH_W1_01483207
75	Eshoo Dep. Ex. 12, ATT_HEATH_WI_00150809
76	McNicoll Dep. Ex. 205, ATT_HEATH_W1_01455736
77	Stein Dep. Ex. 133, ATT_HEATH_WI_00471367
78	ATT_HEATH_WI_00046602
79	DOA00003336
80	DOA00003373
81	Defendant Wisconsin Bell, Inc.'s Second Supplemental Objections and Responses to Plaintiff/Relator's First Set of Interrogatories (Nov. 11, 2020)
82	ATT_HEATH_WI_00171174, SBC Response to the State of Wisconsin's RFP for Combined Voice Networks
83	HEATH000028234
84	ATT_HEATH_WI_00455272, 2005 General Pricing Guidelines
85	ATT_HEATH_WI_00472496, 2006 ICB Front-End Credit Worksheet
86	HEATH000010372, The Telephone Company Engagement Agreement
87	Plaintiff/Relator's Supplemental Response to Defendant's Fourth Set of Interrogatories to Plaintiff (Oct. 2, 2019)
88	ATT_HEATH_WI_00101975
89	HEATH000010469
90	HEATH000136992
91	HEATH000083708
92	Plaintiff/Relator's Response to Defendant's Third (Sic) Set of Requests for Admission (Apr. 4, 2019)

93	HEATH000028592
94	HEATH000089145
95	HEATH000094130
96	ATT_HEATH_WI_00144353
97	ATT_HEATH_WI_00144359
98	Federal-State Joint Board on Universal Service, 13 FCC Rcd. 14081 (Common Car. Bur. Aug. 7, 1998)
99	HEATH000019372
100	HEATH000024079
101	HEATH000016652
102	HEATH000019568, RE: [wierate] E-rate Program Reforms. AKA, E-rate 2.0
103	HEATH000017810, Continued FCC Participation in E-Rate Fraud RE: IL Tax Violations/Wisconsin, Illinois and Indiana LCP Violations
104	Heath Reply Comments to FCC (Oct. 17, 2013) (DX 143)
105	HEATH FCC Comment re LCP (Aug. 16, 2013)
106	HEATH000018830, Re: Modernizing the E-Rate Program for Schools and Libraries, WC Docket No. 13-184; Focused Comments on Lowest Corresponding Price (LCP)
107	HEATH000018830, Re: Modernizing the E-Rate Program for Schools and Libraries, WC Docket No. 13-184; Focused Comments on Lowest Corresponding Price (LCP)
108	HEATH000020728, Re: Independent Auditor Selection
109	Plaintiff/Relator's Supplemental Answers To Interrogatories No. 6 And No. 7 Of Wisconsin Bell's First Set Of Interrogatories (July 25, 2016)
110	Plaintiff/Relator's Response To Defendant's First Set Of Requests For Admission (Feb. 28, 2018)
111	Expert Report of James D. Webber (Nov. 4, 2020)
112	ATT_HEATH_WI_01615823, BadgerNet Converged Network Solicitation
113	Wisconsin Educational Network Business Case Executive Summary (Sep. 16, 2002), available at det.wi.gov/Documents/BCN/WENCC_Business_Case_Executive_Summary.pdf
114	ATT_HEATH_WI_01670509
115	Expert Report of David Berendsen (Jan. 20, 2021)
116	Expert Report of Richard W. Kelnhofer (Jan, 20, 2021)
117	Communications Act of 1934

118	1983 Wisconsin Act 53
119	Schools and Libraries Universal Service Support Mechanism, Fifth Report and Order, 19 FCC Rcd. 15808 (Aug. 13, 2004)
120	In re Verizon, FCC-17-64A1 (Oct. 17, 2017)
121	Begane Dep. Ex. 150, ATT_HEATH_W1_01220312
122	Stein Dep. Ex. 144, ATT_HEATH_WI_01343818
123	USAC webpage, SPIN Search for Wisconsin Bell, https://slweb.usac.org/Spin/Search (last visited Mar. 16, 2021)
124	Excerpt of Deposition of Terri Ayares (Aug. 13, 2020)
125	Excerpt of 30(b)(6) Deposition of Terri Ayares (Wisconsin Bell) (Aug. 13, 2020)
126	Excerpt of 30(b)(6) Deposition of Catriona Ayer (USAC) (Jan. 10, 2019)
127	Excerpt of 30(b)(6) Deposition of Catriona Ayer (USAC) (Nov. 19, 2020)
128	Excerpt of Deposition of Karen Begane (Oct. 23, 2018)
129	Excerpt of Deposition of David Berendsen (Feb. 10, 2021)
130	Excerpt of Deposition of Ernest Bond (Nov. 30, 2018)
131	Excerpt of 30(b)(6) Deposition of Tom Buckley (FCC) (Nov. 23, 2020)
132	Excerpt of Deposition of Michelle Carter (Aug. 2, 2018)
133	Excerpt of 30(b)(6) Deposition of Michelle Carter (Wisconsin Bell) (Aug. 14, 2020)
134	Excerpt of Deposition of Carolyn Chamberlain (Aug. 31, 2018)
135	Excerpt of Deposition of Douglas Alan Clark (Feb. 11, 2020)
136	Excerpt of 30(b)(6) Deposition of Sharon Diskin (FCC) (Dec. 2, 2020)
137	Excerpt of Deposition of David Eshoo (June 29, 2018)
138	Excerpt of Deposition of Anthony C. Fargo (July 25, 2018)
139	Excerpt of Deposition of Todd Heath (Nov. 11, 2020)
140	Excerpt of 30(b)(6) Deposition of Todd Heath (The Telephone Company) (Dec. 4, 2018)
141	Excerpt of Deposition of Mary Henze (Nov. 24, 2020)
142	Excerpt of 30(b)(6) Deposition of Robert Mayfield (Kimberly Area School District) (Nov. 8, 2018)
143	Excerpt of Deposition of Debra McNicoll (Nov. 6, 2018)
144	Excerpt of 30(b)(6) Deposition of Debra McNicoll (Wisconsin Bell) (Aug. 12, 2020)

145	Excerpt of Deposition of Randall L. Pickering (Oct. 30, 2018)
146	Excerpt of 30(b)(6) Deposition of Krzysztof Rybak (Cambridge Strategic Advisors, Inc.) (Nov. 25, 2020)
147	Excerpt of 30(b)(6) Deposition of Susan Schnorr (Fond du Lac School District) (Feb. 7, 2019)
148	Excerpt of 30(b)(6) Deposition of Christopher Smith (USAC) (Nov. 19, 2020)
149	Excerpt of 30(b)(6) Deposition of Mark Smits (Hartford Joint 1 School District) (Sept. 26, 2018)
150	Excerpt of Deposition of Melissa Stein (Oct. 16, 2018)
151	Excerpt of Deposition of Thomas Taibl (Aug. 27, 2020)
152	Excerpt of Deposition of Ricardo Martinez Tostado (July 24, 2018)
153	Excerpt of Deposition of James Webber (Dec. 21, 2020)
154	FCC webpage, Universal Service, https://www.fcc.gov/general/universal-service (last visited Mar. 17, 2021)
155	USAC webpage, About USAC, https://www.usac.org/about/ (last visited Mar. 17, 2021)

* * *

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Aransas County, Texas on March 17, 2021.

/s/ Andrew P. LeGrand
 Andrew P. LeGrand
 Declarant